

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN

MID-SOUTH AG EQUIPMENT, INC.,

Case No. 2:20-cv-01899

Plaintiff,

v.

WACKER NEUSON SALES AMERICAS,
LLC,

Defendant.

DEFENDANT WACKER NEUSON SALES AMERICAS, LLC'S MOTION TO DISMISS

PLEASE TAKE NOTICE THAT Defendant Wacker Neuson Sales Americas, LLC ("Wacker Neuson"), by and through its attorneys, Godfrey & Kahn, S.C., hereby moves the Court to dismiss Count II of the Amended Complaint (Dkt. No. 16) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim against Wacker Neuson upon which relief can be granted. The Amended Complaint fails to sufficiently allege facts necessary to state a claim for common law misrepresentation or fraud. Count II of the Amended Complaint against Wacker Neuson should therefore be dismissed.

This Motion is based on the supporting Memorandum; all pleadings and papers on file in this action; and such other written and oral argument as may be presented to the Court.

Dated this 31st day of March, 2021.

By: /s/ Matthew M. Wuest

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